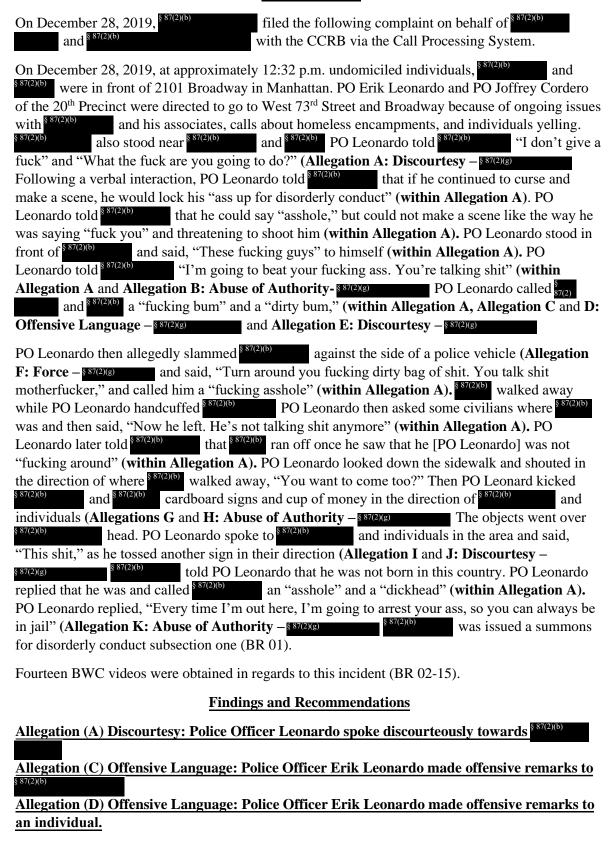
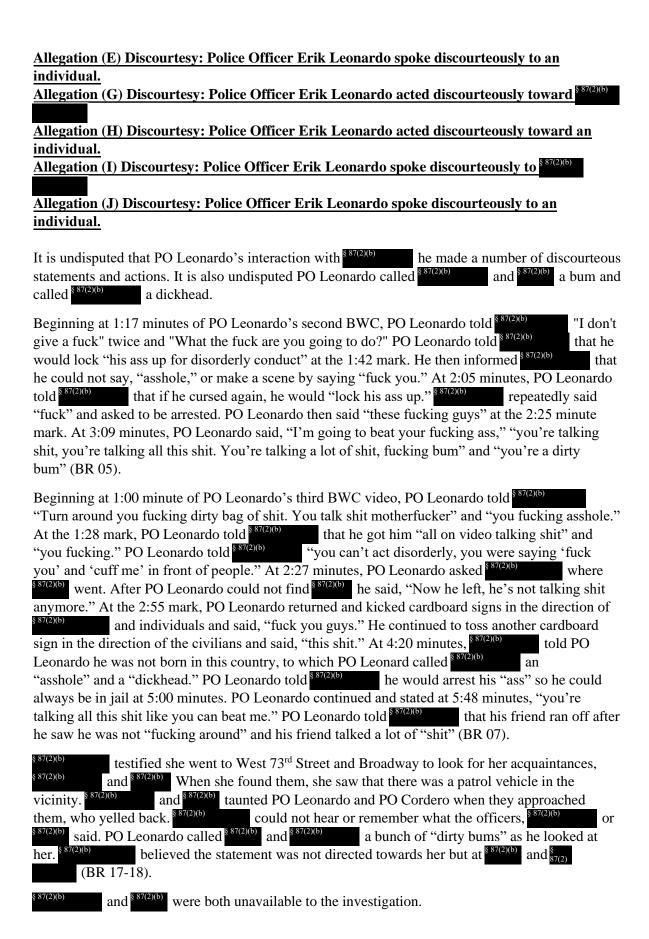
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force		Discourt.	П	U.S.
Julia Moran		Squad #06	201911039	$I^{-}$	Abuse	<u> </u>	O.L.		Injury
		Squad 1100					<u> </u>		
Incident Date(s)		Location of Incident:			18 N	Io. SO	OL		Precinct:
Saturday, 12/28/2019 12:32 PM		West 73rd Street and E	Broadway		2/1	2/202	22		20
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Tim	e Rece	eived at CC	RB	
Sat, 12/28/2019 2:33 PM		CCRB	Call Processing System		Sat, 12/28	3/2019	2:33 PM		
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. POM Erik Leonardo	27779	938846	020 PCT						
Witness Officer(s)	Shield No	o Tax No	Cmd Name						
1. POM Joffrey Cordero	01480	964458	020 PCT						
Officer(s)	Allegatio	n			Inv	estiga	ator Reco	nme	endation
A.POM Erik Leonardo		esy: Police Officer Erik ously to \$87(2)(b)	Leonardo spoke						
B.POM Erik Leonardo	Abuse: Police Officer Erik Leonardo threatened with the use of force.								
C.POM Erik Leonardo	Off. Language: Police Officer Erik Leonardo made offensive remarks to \$\frac{887(2)(b)}{2}\$								
D.POM Erik Leonardo	Off. Language: Police Officer Erik Leonardo made offensive remarks to an individual.								
E.POM Erik Leonardo	Discourtesy: Police Officer Erik Leonardo spoke discourteously to an individual.								
F.POM Erik Leonardo	Force: Police Officer Erik Leonardo hit sagainst a vehicle.								
G.POM Erik Leonardo	Discourtesy: Police Officer Erik Leonardo acted discourteously toward \$87(2)(b)								
H.POM Erik Leonardo	Discourtesy: Police Officer Erik Leonardo acted discourteously toward an individual.								
I.POM Erik Leonardo		esy: Police Officer Erik ously to \$87(2)(b)	Leonardo spoke						
J.POM Erik Leonardo		esy: Police Officer Erik ously to an individual.	Leonardo spoke						
K.POM Erik Leonardo	Abuse: Police Officer Erik Leonardo threatened to arrest § 87(2)(b)								

## **Case Summary**





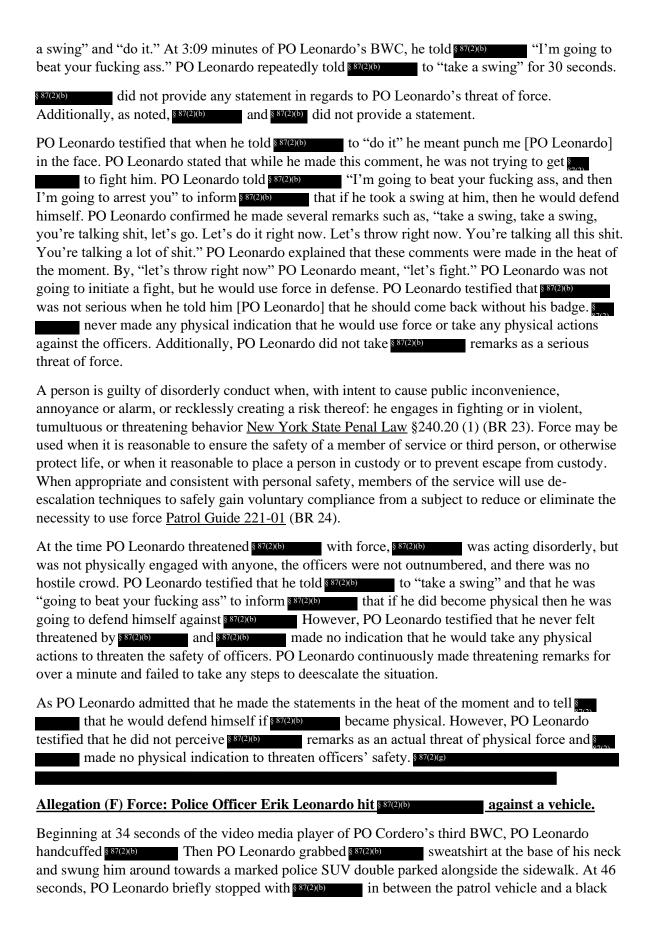
Page 2

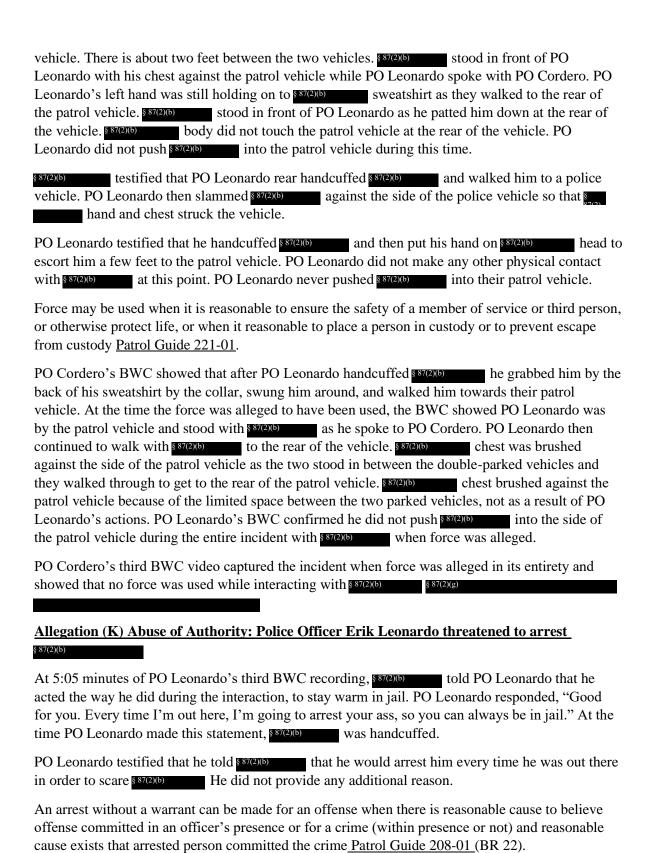
PO Leonardo testified that he used profanity because he was in the heat of the moment, repeated what said back to him, and the two were trading insults. (BR 16). He used "bum" as a synonym for homeless person and did not mean it in a derogatory way. PO Leonardo added that after he could not find he kicked a cardboard sign out of frustration. The sign blocked the walkway of the sidewalk. When PO Leonardo kicked the first sign, he accidentally kicked some change. The sign landed a few feet away from where PO Leonardo stood. PO Leonardo then threw another cardboard sign to the side. Neither of the cardboard signs made any contact with anyone.

PO Cordero was not interviewed as the entirety of the incident was captured on BWC.

DAO-DCT Case number 2017-17005 states that the tribunal has held that profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct (BR 19). The NYPD is committed to accomplishing its mission by treating every citizen with compassion, courtesy, professionalism and respect. Officers pledge to value human life, respect the dignity of each individual and render our services with courtesy and civility, Patrol Guide Section 200-02 (BR 20). Officers are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability, Patrol Guide Section 203-10 (BR 21). Administrative Code §14-151defines "bias-based policing" as an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived... housing status as the determinative factor in initiating law enforcement action against an individual. It goes on to define housing status as the character of an individual's residence or lack thereof (BR 31).

PO Leonardo admitted to using both profane language when he spoke with civilians and calling and a "bum." PO Leonardo's statements were captured on BWC. Administrative Code §14-151 includes housing status as a protected class and as PO Leonardo testified that he called and a "bum" because they were homeless, the use of the word "bum" is considered offensive. PO Leonardo confirmed, and it was observed on the BWC, that he kicked the cardboard signs out of frustration.  PO Leonardo engaged in a chaotic or stressful situation and admitted that he erred in his use of language as per Patrol Guide Procedure.
§ 87(2)(g)
Allegation (B) Abuse of Authority: Police Officer Leonardo threatened with
the use of force.
It is undisputed that PO Leonardo told that he would beat him up. Though there was no civilian testimony in regards to this allegation, it was captured on BWC.
At 2:40 minutes of PO Leonardo's second BWC video, waiting to get him in handcuffs so that he [PO Leonardo] could punch him. PO Leonardo told that that was not true. The said to come back without his badge and gun, and he will show him what kind of man he was. PO Leonardo then repeatedly told





At the time PO Leonardo threatened to arrest \$87(2)(6) he was already under arrest for disorderly conduct. However, PO Leonardo's threat was for a future action in which PO Leonardo did not have any probable cause. PO Leonardo did not articulate a specific action or crime that

§ 87(2)(b) could h	ave been arrested for	and this threat was done in a gra	tuitous manner to scare
§ 87(2)(g)			
§ 87(2)(b)	<u>Civili</u>	an and Officer CCRB Histories	<u> </u>
		mber of service for 15 years and legation, none of which were sub	
• This co	Medi mplaint was not suita	ation, Civil and Criminal Histonble for mediation.	<u>ries</u>
• [§ 87(2)(b)] [§	§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad No.:	6		
Investigator:	Julia Moran	Inv. Julia Moran	11/12/2021
	Signature	Print Title & Name	Date
Squad Leader:	Jessica Peña Signature	IM Jessica Peña Print Title & Name	11/12/2021 Date